



**Via Facsimile and Electronic Mail**

October 17, 2006

Carmen Frobos  
American Arbitration Association  
2200 Century Parkway, Suite 300  
Atlanta, GA 03045-3203

Re: AAA 30 190 00847 06  
USADA and Floyd Landis

**Board of Directors**

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Dear Ms. Frobos:

I am in receipt of your letter dated October 10, 2006 requesting the parties' positions concerning whether the hearing in the above referenced matter will be open to the public and conducted at the Pepperdine University School of Law. USADA is not in a position to fully respond to the issues identified by you in this request and reserves the right to respond once it is made fully aware of the specifics of the issues.

At this time, all that we have been informed of, as requested in the athlete's letter of September 29, 2006, is that the athlete has asked that the "hearing be open to the public" and that it be held in "Malibu, California at the Pepperdine University Law School." Outside of these broad requests by the athlete that were relayed again in your letter, we do not have any information about the specifics of the requests and can not adequately respond at this time.

In our letter of October 4, 2006, USADA did not object to the location of Malibu, California since the American Arbitration Association Supplementary Rules provide that the AAA shall make "every effort to give preference to the choice of the athlete or other person charged with a doping offense." As far as the exact bearing location in Malibu, California, we do not have any information about the suitability of the Pepperdine Law School, including its cost or location; the location of hotels around the law school; the set-up of the proposed room; the technology capabilities; the size or availability of break out rooms; the availability of copy and fax machines; and service assistance. We simply do not have enough information to agree or not agree and thus must reserve our right to provide additional submissions once the details have been provided.

United States Anti-Doping Agency

1330 Quail Lake Loop, Suite 760, Colorado Springs, CO 80906 ■ Tel: 719.785.2000 ■ Fax: 719.785.2001

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Concerning the request for the hearing to be open to the public, USADA's primary concern is for the hearing to be held in a fair and reasonable manner for the parties and arbitrators. Again, at this time, we have insufficient detail on the athlete's proposal to adequately respond. Critical issues that need to be answered prior to us being adequately prepared to respond include for example: what does "public" mean exactly?; are there a limited number of seats for the public to use and how will these be divided?; is the athlete going to waive the applicable sections of the USADA Protocol and the AAA rules that require confidentiality and no public comment?; and, are all of the documents including correspondence, briefs, exhibits and discovery going to be made public and how?

As you can see, there are many issues that must be addressed and, for now, it is premature for us to agree or not agree to the broad requests and thus must reserve our right to provide additional submissions on these issues once the details of the proposal have been provided.

Please forward this letter to the arbitrators once the arbitration panel is formed.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Tygart', with a long horizontal line extending to the right.

Travis T. Tygart  
General Counsel

cc: Howard Jacobs, Esq.